



June 8, 2006

Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Re: Digital Must-Carry (CS Docket No. 98-120)

Dear Mr. Chairman and Commissioners:

I am writing to you on behalf of WGCL-TV to express our strong support for the FCC's consideration of requiring cable operators to carry the entirety of each broadcaster's digital program stream, including multicast channels. Let me outline the important public interest benefits that will flow from full digital must carry.

Let me briefly summarize what full digital must carry can do.

1. **Programming Diversity.** By allowing DTV broadcasters to transmit up to six standard definition digital program streams where now they transmit only one, multicasting will create massive quantities of new airtime and accompanying new opportunities for programmers that currently have no outlet for their programming. All the evidence before the FCC suggests that broadcasters are ready and willing to begin using their multicast channels to roll out diverse programming that has been impossible in the single-channel, single revenue-stream analog world.

Moreover, additional free over-the-air broadcast channels will mean additional chances for content producers to get their programming to viewers. The FCC continues to hear from many programmers that stand ready to exploit these new opportunities. Today, if a new programming service wishes to build an audience, it must go through cable operators to do so, because pay-TV is the only distribution alternative. In a multicast must-carry world, however, program services would have the opportunity to partner with broadcasters to reach viewers. Cable operators stopped adding significant numbers of new networks years ago and unaffiliated programmers need not apply. Multicasting would give these new, diverse voices a chance to be heard, breaking the cable industry's bottleneck control over programming and allowing a flood of new and diverse content to become available to all Americans, be they cable subscribers or over-the-air viewers.

2. **Localism.** Another important benefit of multicast must-carry will be the creation of new local channels of programming operated by local television stations such as ours that already are entrusted with serving their local communities. Allowing local television stations to create four or five additional program streams channels would exponentially increase the opportunities for vast new quantities of local public affairs programming, news programming, and political coverage. Already the major television networks and their affiliates have shown that they intend to dedicate much of their multicast spectrum to increased local events coverage of all types. The only limit on these possibilities is the imagination of local broadcasters and programmers.

3. **Video Competition.** The bottleneck control that this proceeding has shown cable operators continue to exercise over local video markets has been destructive for both broadcasters and viewers. In the absence of competitive discipline, cable long has subjected customers to continual rate increases. Multicasting promises to allow broadcasters to burst through the cable bottleneck, restore competitive balance to local television markets, and provide much-needed relief for frustrated cable customers. Once multichannel broadcasting becomes the norm, the broadcast platform again will be capable of competing effectively with cable and the competitive pressures on cable likely will require it to offer lower prices without further government regulation. Thus, all viewers will win with full digital must-carry. The truth is that cable operators oppose multicast must-carry because they recognize the competitive threat that multicast must-carry poses to their control of local video markets.

4. **Promoting Broadcast Decency.** Full digital must-carry will be a potent weapon against indecent programming. If it adopts full digital must-carry, the FCC can be confident that nearly every market will gain new free programming outlets that are bound by law to uphold at least the standards of decency demanded as a condition of every television broadcaster's license. Equally important, it will give those broadcasters that now respond to the pressure exerted by cable and DBS by airing increasingly indecent programming additional opportunities to provide alternative programming more in keeping with the values of the many Americans who have turned away from television.

At the very least, the FCC could be certain that every channel of broadcast programming would conform to the FCC's and Congress's requirements that broadcasters operate in the public interest. This would have the salutary effect of ensuring that decent programming has an equal voice on cable systems. Thus, full digital must-carry would fulfill the FCC's mandate to regulate the nation's airwaves in the public interest, and viewers would be guaranteed programming that serves their needs.

5. **Preserving a Vibrant Over-the-Air Broadcast System.** The preservation of a vibrant over-the-air broadcasting service and the improvement of television service to all Americans are two of the FCC's most important objectives. By giving broadcasters the opportunity to offer new diverse, local, decent, and competitive programming, the FCC will fulfill these objectives and ensure that broadcasters have the financial stability necessary for them to fulfill their appointed role as the guarantors of free television service in local markets. Without multicasting, however, local broadcasters will be increasingly lost in the 500 channel digital universe, and there is no guarantee that they will be able to continue to provide the high quality service that has been the historical hallmark of the nation's over-the-air broadcasting service.

6. **Ensuring a Successful Transition to DTV.** Although Congress has now ensured that the DTV transition will end by a date certain, the FCC still has much work to do to ensure a successful DTV transition in which broadcasters continue to provide

vibrant local service to viewers in the post-transition world. Without full digital must-carry, the FCC has essentially picked cable as the winner in the DTV world. Without full digital must-carry, the competitive position of over-the-air broadcasters will continue to erode and broadcast television will not continue to fulfill its historic local role. Congress plainly intended the opposite result when it directed the FCC to transfer intact from the analog to the digital world the must-carry regime that it designed to preserve the over-the-air broadcasting system. The FCC should not ignore Congress's manifest intent and instead should use full digital must-carry to fulfill Congress's objective that over-the-air broadcasting remain strong and competitive after the transition to DTV.

7. ***Encouraging Emerging Broadcast Networks.*** To foster competition in the video market, the FCC long has adhered to a policy of encouraging competition by supporting the emergence of new broadcast networks. As the recent merger of the WB and UPN networks shows, the climate for emerging networks has never been more difficult. Full digital must-carry would vastly improve that environment by providing emerging networks with additional programming and revenue opportunities. These opportunities would help ensure the survival of the many faith-based, foreign-language, and general interest programming networks that have been constructed over the past decade.

As the foregoing demonstrates, full digital must-carry would further a remarkable number of FCC and Congressional policies and the Commission should exercise its full authority under Section 614 and order full digital must-carry without further delay.

Very truly yours,

P. Andrew Alford

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